

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>ARLENE FRY,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 1:17-CV-00878</b>
	)	
<b>RAND CONSTRUCTION CORP.,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF’S NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Arlene Fry hereby appeals to the United States Court of Appeals for the Fourth Circuit from the Judgment entered on August 23, 2018 (Docket No. 143); the part of the Opinion and Order dated August 22, 2018 (Docket No. 142) denying Plaintiff’s Rule 50 Motion for Judgment as a Matter of Law, granting Defendant’s Motion for Judgment as a Matter of Law or for a New Trial, and vacating the jury’s April 27, 2018 verdict in favor of Plaintiff on Count I for retaliation in violation of the Family and Medical Leave Act awarding \$50,555 in backpay; the part of the Order dated April 20, 2018 (Docket No. 102) excluding other acts or instances of retaliation evidence, excluding testimony from and pertaining to Susan Boyle, and excluding the word bi-polar from Plaintiff’s Exhibit 22 an email from Linda Rabbitt dated March 29, 2016 stating “I think when [Fry] takes her medication for bi-polar or whatever she has, she becomes a snail...”; and the jury instruction given on causation that used “but for” instead of “motivating factor” as the causation standard.

Respectfully submitted,

/s/ Adam Augustine Carter

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served via ECF on September 14, 2018, upon:

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